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EXAMINER

TRAN, NGHI V

ART UNIT PAPER NUMBER

2151

DATE MAILED: 07/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/004,955	GUSLER ET AL.	
	Examiner	Art Unit	
	Nghi V. Tran	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☒ Claim(s) 36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

PD

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 8-17, 20-29, and 32-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Gatz et al., U.S. Patent Application Publication No. 2002/0049806 (hereinafter Gatz).

3. With respect to claims 1 and 13, Gatz teaches a method of monitoring use of an instant messaging user account [see abstract and figs.2-3], comprising:

- receiving an instant message [paragraph 0044-0045];
 - determining if a transcript of the instant message is to be stored [paragraphs 0013-0015];
 - storing the transcript of the instant message in a storage device [paragraph 0047] if a transcript of the instant message is to be stored [paragraph 0049];
- and

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- providing the transcript to a designated monitor of the instant messaging user account [paragraph 0049 i.e. “allow parental monitoring of such activity”].

4. With respect to claims 2 and 14, Gatz further teaches implemented in an instant messaging service provider (202) of a distributed data processing system (paragraph 0047).

5. With respect to claims 3 and 15, Gatz further teaches implemented in a network service provider (316) of a distributed data processing system (i.e. user computer (212) connected via ISP “not shown”, where user computer is communicated between user computer and ISP, which is inherent).

6. With respect to claim 4 and 16, Gatz further teaches implemented in a client device (212) of a distributed data processing system (paragraph 0042).

7. With respect to claims 5 and 17, Gatz further teaches analyzing (“logic for verifying”) the transcript to identify at least one characteristic of the transcript (“email blacklist, friend buddy lists, or instant message ignore list”), wherein providing the transcript to a designated monitor of the instant messaging user account includes providing information regarding the at least one characteristic of the transcript to the designated monitor (paragraphs 0015, 0071 and 0081).

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8. With respect to claims 9 and 21, Gatz further teaches the at least one characteristic includes at least one of a ranked list of user identifications for most frequent incoming instant messages, a ranked list of user identifications for most frequent outbound target user identifications, a ranked list of most frequent recent incoming or outbound user identifications, a date/time distribution of instant messages, and tracking of contact patterns for a particular user identification (abstract and paragraphs 0033-0038 and 0081 i.e. tracking of contact patterns for a particular user identification is inherent as "the child account is shielded from receiving inappropriate material").

9. With respect to claims 10 and 22, Gatz further teaches analyzing the transcript includes filtering for text including at least one of proper names, addresses and phone numbers (abstract and paragraphs 0071 and 0081 i.e. proper names is inherent as "parent has established a particular friend group or buddy list).

10. With respect to claims 8 and 20, Gatz further teaches providing the transcript to a designated monitor includes generating a web page through which the transcript is provided to the designated monitor (figures 6-19).

11. With respect to claims 11 and 23, Gatz further teaches determining if a transcript of the instant message is to be stored includes: looking up a user identification of a

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source of the instant message in a user database (paragraph 0048); and determining if a transcript field indicates if a transcript is to be stored (paragraphs 0049 and 0086).

12. With respect to claims 12 and 24, Gatz further teaches determining if a transcript of the instant message is to be stored further includes: looking up a user identification of a destination of the instant message in an approved contact list (paragraphs 0054-0056); and determining that a transcript is to be stored if the user identification of the destination does not appear in the approved contact list (paragraphs 0057-0059 and 0086).

13. Claims 25-29 and 32-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Sazawa et al., U.S. Patent Application Publication No. 2002/0059098 (hereinafter Sazawa).

14. With respect to claim 25, Sazawa teaches a computer program product in a computer readable medium for monitoring use of an instant messaging user account, comprising:

- first instructions for receiving an instant message [paragraph 0048 i.e. an instant message is equivalent with chat];
- second instructions for determining if a log of the instant message [74 i.e. chat log memory unit] is to be stored [paragraphs 0006-0007 and 0014];

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- third instructions for storing the log of the instant message in a storage device if the log of the instant message is to be stored [paragraphs 0014 and 0020]; and
- fourth instructions for providing the log to a designated monitor of the instant messaging user account [paragraph 0027 i.e. monitor of the instant messaging user account is interpreted as analyzing the recorded chat log to perform marketing].

15. With respect to claim 26, Sazawa further teaches the computer program product is implemented in association with instructions of an instant messaging service provider of a distributed data processing system [62 i.e. chat server].

16. With respect to claim 27, Sazawa further teaches the computer program product is implemented in association with instructions of a network service provider of a distributed data processing system [60 i.e. www server].

17. With respect to claim 28, Sazawa further teaches the computer program product is implemented in association with instructions of a client device [12-1 or 12-2] of a distributed data processing system [fig.3B].

18. With respect to claim 29, Sazawa further teaches fifth instructions for analyzing the log to identify at least one characteristic of the log, wherein the fourth instructions for

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providing the log to a designated monitor of the instant messaging user account include instructions for providing information regarding the at least one characteristic of the log to the designated monitor [paragraphs 0014, 0020, and 0027 and fig.17].

19. With respect to claim 32, Sazawa further teaches the fourth instructions for providing the log to a designated monitor include instructions for generating a web page through which the log is provided to the designated monitor [figs.3-5 and paragraph 0048].

20. With respect to claim 33, Sazawa further teaches the at least one characteristic includes at least one of a ranked list of user identifications for most frequent incoming instant message, a ranked list of user identifications for most frequent outbound target user identifications, a ranked list of most frequent recent incoming or outbound user identifications, a date distribution of instant messages, a time distribution of instant messages, and tracking of contact patterns for particular user identification [paragraph 0020].

21. With respect to claim 34, Sazawa further teaches the fifth instructions for analyzing the log include instructions for filtering for text including at least one of proper names, addresses and phone numbers [paragraph 0020 and 0027].

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22. With respect to claim 35, Sazawa further teaches the second instructions for determining if a log of instant message is to be stored further include:

- instructions for looking up a user identification of a source of the instant message in a user database [paragraphs 0013-0014]; and
- instructions for determining if a log field indicates if a log is to be stored [paragraph 0068 and fig.10].

Claim Rejections - 35 USC § 103

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

24. Claims 6-7 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gatz, as applied to claims 1 and 13 above, and further in view of Donahue, U.S. Patent Application Publication No. 2002/0004907.

25. With respect to claims 6 and 18, Gatz fails to teach providing the transcript to a designated monitor includes transmitting the transcript as an attachment to an electronic mail message.

In a method of monitoring, Donahue discloses providing the transcript to a designated monitor includes transmitting the transcript as an attachment to an electronic mail message (paragraphs 0013-0014).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Gatz in view of Donahue by transmitting the transcript as an attachment to an electronic mail message because this feature "may need to be converted, where possible, to a format containing text, and analyzed separately" (paragraph 0014). It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Gatz in view of Donahue in order to send or notify the parent (i.e. designated monitor) the log data (i.e. the transcript of his/her child) in efficient and costless.

26. With respect to claims 7 and 19, Gatz fails to teach the electronic mail message is transmitted in response to a request from the designated monitor.

In a method of monitoring, Donahue discloses the electronic mail message is transmitted in response to a request from the designated monitor (paragraph 0006 i.e. The stored session can then be viewed, downloaded and/or deleted by the user which is inherent as the user "i.e. the designated monitor" requested the transmitted electronic mail message "i.e. stored sessions").

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Gatz in view of Donahue by transmitting in response to request from designated monitor because this feature "may need to be

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converted, where possible, to a format containing text, and analyzed separately” (paragraph 0014). It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Gatz in view of Donahue in order to send or notify the parent (i.e. designated monitor) the log data (i.e. the transcript of his/her child) in efficient and costless.

27. Claims 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sazawa, as applied to claim 25 above, and further in view of Donahue, U.S. Patent Application Publication No. 2002/0004907.

28. With respect to claim 30, Sazawa is silent on the fourth instructions for providing the log to a designated monitor include instructions for transmitting the log as an attachment to an electronic mail message.

In a method of monitoring, Donahue discloses the fourth instructions for providing the log to a designated monitor include instructions for transmitting the log as an attachment to an electronic mail message (paragraphs 0013-0014).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Sazawa in view of Donahue by transmitting the transcript as an attachment to an electronic mail message because this feature “may need to be converted, where possible, to a format containing text, and analyzed separately” [Donahue, paragraph 0014]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Sazawa in

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view of Donahue in order to send or notify the parent (i.e. designated monitor) the log data (i.e. the transcript of his/her child) in efficient and costless.

29. With respect to claim 31, Sazawa is silent on the electronic mail message is transmitted in response to a request from the designated monitor.

In a method of monitoring, Donahue discloses the electronic mail message is transmitted in response to a request from the designated monitor [paragraph 0006 i.e. The stored session can then be viewed, downloaded and/or deleted by the user which is inherent as the user "i.e. the designated monitor" requested the transmitted electronic mail message "i.e. stored sessions"].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Sazawa in view of Donahue by transmitting in response to request from designated monitor because this feature "may need to be converted, where possible, to a format containing text, and analyzed separately" [Sazawa, paragraph 0014]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Sazawa in view of Donahue in order to send or notify the parent (i.e. designated monitor) the log data (i.e. the transcript of his/her child) in efficient and costless.

Allowable Subject Matter

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30. Claim 36 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

31. Applicant's arguments filed 05/09/2005 have been fully considered but they are not persuasive.

The Examiner acknowledges that Gatz does not used the exact term "transcript". However, Gatz discloses "a parent that controls the family account (the "controlling parent") can add a child to the family account with a new child account, attach an existing child account to the family account, modify a child's password, account information or other information (e.g. preferences, stored items) save at the online system in association with a specific account, modify their child's email block lists, friend "buddy" lists and instant message ignore lists, or sign in as the child in order to be aware of and modify any aspect of the child's account." According to the Dictionary.com, transcript is something transcribed, especially a written, typewritten, or printed copy. Therefore, it reads on the Applicant's invention.

Conclusion

32. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

32. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V. Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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